1;Griffiths M-5 (ca. 1940) 1946 AW37 Kol AW37

583 626 migrate to a place where nothing is known of their history, for if they should try to remain they cannot enter into the life of any community of that area unless they cast their lot with the lowest of the low.

583 586 623 The above form of the elopement marriage does not have the same standing as the regular forms. If such a union should break up, and the woman go to live with another man, the first man has no right to make a formal complaint to the *panch*, nor can he claim her nor any compensation for her. The *panch* takes no responsibility for irregular unions and this fact is a real deterrent. Marriage would thus seem to have the marks of a contract; it binds the two persons and gives certain proprietory rights which are enforced by the community.

583 585 837 623 The second type of elopement marriage attempts to regularize the procedure after a couple has eloped. In this manner a control over such cases is exercised, and certain obligations must be met or there is a severe social penalty. If a boy runs off with a girl already married, who has also been through the *gauna*[1] part of the total cycle, but who has not become the actual property of her husband, he is required by the *panch* to refund to the party to whom the girl was first married all the expenses in connection with the *lagan*, the *sadi* and the *gauna*. This is a very heavy burden which few would undertake to face, for it may amount to as much as a hundred rupees. And even if he is able to pay he still has to feast the *panch*, and they see that he does it well. Following all this the regular marriage ceremony must be performed with its additional costs and obligations, before the couple are allowed to live together. This makes such an elopement a very costly affair, and the *panch* is in the position absolutely to enforce these penalties.

[584] If the *gauna* has not yet occurred and the girl elopes with another boy, all he has to do is to pay a penalty to the *panch*, but before they are allowed to live together the regular *sadi* must be performed. No *gauna* is thereafter necessary and they begin to cohabit. The regulations are thus much more severe if the *gauna* is passed than if the elopement occurred before it. There are variations in procedure, but this seems to be the custom.

114 184 583 584 2. *The Recognized Form of Marriage* (*Biwah*, *Biyah*). The description which follows is one compiled from investigations made in many places. When we first learned of the marriage customs of the Kols who lived close to Jubbulpore, we thought that the customs

1 See page 93.

1:Griffiths M-5 (ca. 1940) 1946 AW37 Kol AW37

595 an economic asset. If there should be two or more women in the family, one of whom is married and the other just kept, their respective rights were said to depend solely upon the will of the husband and it was not admitted that any of them had greater rights than the others. Their children have equal rights and no discrimination is made between them. If the wife is barren and the other has sons, the property upon his death reverts to the sons. If both "wives" have sons it is divided at death according to the husband's expressed wish or by a decision of the *panchayat*.

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We did not find much sexual laxity among the Kols; but the Hindus assert, whether from knowledge or prejudice it is hard to say, that the sexual relations of the Kols are very loose. A Malguzar reported that in some villages under his jurisdiction where Kols happened to be in the majority he knew of at least one case of a Kol woman having several husbands, a sort of polyandry, and that the men frequently exchanged wives.

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DIVORCE. It is not uncommon for a man and his wife to separate but as long as this separation is not sanctioned by the *panchayat* it involves certain disabilities. The *panchayat* never takes the initiative nor does it advise or suggest divorce—rather the opposite—but it has to act if the separation is to have official sanction. The usual grounds for separation and divorce are:

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1. Sterility of the wife
2. Sexual unchastity of either
3. Quarrelsomeness in the home
4. Laziness resulting in the neglect of household duties and support of the family
5. Any tendencies such as thievery, frequent absences from home without apparent reasons, and the like

There are numerous variations in the process of securing this separation. It is usually considered more difficult for a man to get rid of his wife than it is for the wife to get rid of her husband. The matter is first officially brought to the attention of the local *panchayat* by either of the aggrieved parties. In some cases the local *panch* has full authority, but in Maihar State we found that if, after investigation, the local *panch* thought there was a good case for divorce, the matter is referred to an intercaste *panchayat*; one which should include members from seven different groups or castes. This seems to be an exception, and when asked what castes could act together they mentioned only three: Kol, Kurmi and Chamar.

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1:Griffiths M-5 (ca. 1940) 1946 AW37 Kol AW37

If the husband is the complainant he tells the *panch* his grievances, and brings specific charges against his wife. Others present may confirm his charges if they believe them to be true. He states his desire and his particular intention in this case. It should be noted that the decision of the *panchayat* is not absolutely binding on the parties. If the *panch* decides that the man is in the right and if he gets his hoped-for decision everything is satisfactory for him; if not he may go against their decision, but it will not be without a fine or a feast of some kind to atone for it. If the woman is also present and if she wishes she may make her own defence, although if another defends her it must be done by a male member of her family. If the charges are admitted either by the woman or her representative the matter is easily settled, for the *panchayat* will allow him to divorce her without any penalty. If the woman is present she is then brought to the centre of the circle and a member of the *panch* orders her husband to go to her and remove seven times the portion of the *sari* covering her head; this is the sign of the dissolution of the marriage. She is not required to remove her glass bangles which are the real signs of marriage. These are broken, however, by the man with whom she goes to live (as most of the cases seem to involve a man), and he gives her new bangles in their place.

If the woman brings the charge against her husband, or if she is favoured in case he brings it against her, and the husband does not accept the *panch's* ruling, he may still dismiss her from his house and keep, but he must pay a penalty. In Maihar and Rewa we were informed that the decision was not final until the matter had been presented to an officer called *Mahata*, who is paid Rs. 1-4-0 for his judgment and must give the final assent. He is looked upon as a government servant, but his post was said to be hereditary.

If the woman should leave her husband and go to another man, the *panchayat* insists that the man taking her must pay a fine, while the former husband has no blame attached to him. Nevertheless if the wife was regularly married to her first husband, the man who takes her not only has to pay the fine but also must return to her former husband the amount of money that the latter paid as the bride price when first they were married. One group told us that if the wife wanted to go away for other reasons than to marry a man, she is free to do so and the *panchayat* does not interfere, nor is any fine involved. The complications begin, however, if she should want to marry again; it is then that the *panchayat* steps in. If the woman refuses to recognize this and if she should try to run away with another man, the *panchayat* advises that the matter be taken to the civil courts where

1:Griffiths M-5 (ca. 1940) 1946 AW37 Kol AW37

586 623 692 the claim may be made that the woman is stolen. Judgment has been secured on this basis, and so most Kols prefer to pay the fine and not take chances in the court. This also tends to prevent a too easy divorce.

In regard to the children it was said that should the *panchayat* agree in favour of the husband, the children must go to him, with the exception that a mother may keep a nursing child. But when the nursing period is over and the child is weaned it must be handed over to the father. If she should begin to live with another man it must be given up at once. On the other hand should the man be proved a renegade and the *panch* decide that the woman is in the right she is allowed to keep the children, the property and the possessions. He is "driven out" with nothing but his personal effects. She is not required to uncover her head and nothing of a similar nature is required of him for he is simply told to *jao*—go! The woman however, should publicly say that she renounces him.

182 58 Such is a brief survey of the marriage customs of the Kols. Through these observances it is possible to trace a strong sense of social solidarity, and of the care exercised by both *panchayats* in adjudging the suitability of the matches. By the imposition of penalties which seek to discourage irregular unions the *panch* attempts to steady things. At the time of weddings there is a feeling of brotherhood and good fellowship, and in certain respects the wedding is the most important of all the social rites. Apart from its attendant ceremonies there is little of interest and excitement in the life of the average Kol. While there may be many instances of conscious or unconscious borrowing from Hindu sources, nevertheless this is not of recent occurrence, and probably goes back for hundreds of years, so far, indeed, that the Kols believe it to be their very own and assert: "These are the things we do, we do not know why we do them, but they are done by us."

1:Griffiths M-5 (ca. 1940) 1946 AW37 Kol AW37

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Should a dispute arise over the division of the property the matter must be settled by the *panch*. They will probably distribute it as equally as possible among the sons. Should this not be satisfactory to all concerned the sons have the right to appeal to the law courts of the land and have the matter settled there. Among Kols this is seldom, if ever, done.

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The female members of the family do not enjoy equal rights with the males. A girl, when married, loses her membership in her family, and becomes a member of the new home. When she goes to live with her husband she takes nothing with her apart from her clothes and some personal adornments. It was noted by Russell and Hiralal that:

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> Succession among the Mundas passes to sons only. Failing there, the property goes to the father or brother if any..... Daughters get no share in the inheritance and are allotted among the sons just like livestock. Thus if a man dies leaving three sons and three daughters and thirty head of cattle, on a division each son would get ten head of cattle and one sister; but should there be only one sister, they wait until she marries and divide the bride price.[1]

This quotation, from their article on the Kols, does not apply to the specific Kol tribe, but nevertheless we found instances of this tendency.

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There is a difference of opinion as to the disposition of the property if there are no sons and only girls in the family. In many places it was affirmed that property could pass to the daughters if there were no sons. This was always her own property and nothing could alienate it from her, not even her marriage. When such a girl is married she takes her property with her and such property is considered her own and does not become a portion of her husband's wealth. If she should ever leave his home due either to divorce or quarrel she still remains its owner. Keeping it thus in her name and under her control is a protection to her in case of need. At her death, such property, if still existing, is supposed to revert to her father's family, his brothers or their heirs. When a wife dies her clothes are disposed of as noted in Chapter VII. Her metal jewellery is kept and may be worn by a new wife or passed on to the sons. [586]

1 Russell and Hiralal, *Op. Cit.*, Vol. III, p. 515.